

# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 8, 2000 (BOS Mtg. 8/15/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Application No. ZM-47-00, York County Planning Commission

### ISSUE

This application, sponsored by the Planning Commission at its June 14 meeting, seeks to amend the York County Zoning Map by reclassifying portions of fourteen (14) parcels in the York Meadows subdivision from GB (General Business) to R13 (High Density Single-Family Residential). The parcels are located along the north side of Mary Bierbauer Way west of its intersection with Kings Pointe Crossing and are further identified as Assessor's Parcel Nos. 37-(52)-4-84, 37-(52)-6-85, 37-(52)-6-86, 37-(52)-6-87, 37-(52)-6-88, 37-(52)-6-89, 37-(52)-6-90, 37-(52)-6-91, 37-(52)-6-92, 37-(52)-6-93, 37-(52)-6-94, 37-(52)-6-95, 37-(52)-6-96, and 37-(52)-6-97.

### DESCRIPTION

- Property Owners: York Meadows, L.L.C. and Land Venture Developers and Builders, Inc.
- Location: 502, 504, 506, 508, 600, 602, 604, 606, 608, 700, 702, 704, 706, 708, and 710 Mary Bierbauer Way
- Area: Total area proposed for rezoning is approximately 2.68 acres.
- Frontage: Total combined frontage of the subject parcels is 1,094 feet on Mary Bierbauer Way.
- Utilities: Public water and sewer
- Topography: Flat
- 2010 Land Use Map Designation: General Business
- Zoning Classification: R13 (High Density Single-Family Residential) along the frontage (approximately 57 feet deep) and GB (General Business) to the rear
- Existing Development: None

Surrounding Development:

North: Undeveloped acreage behind Rip's Food Store

East: Single-family detached housing (York Meadows, Section 4) under construction

South: Part of York Meadows, Section 6 (undeveloped), including Mary Bierbauer Way, Dalzell Court, and Terrance Circle

West: Commercial development along Route 17 (Rip's Food Store, Universal Designs, Allstate Insurance/Castilian Hair Styling, and Emergency Veterinary Clinic)

- Proposed Development: None associated with this application; the parcels are future home sites within York Meadows.

**CONSIDERATIONS/CONCLUSIONS**

1. In 1995, Assessor's Parcel No. 37-17 was zoned R-12 (single-family residential). This parcel was one of many deep narrow parcels along Route 17 in what is now the southeast quadrant of its intersection with Coventry Boulevard. Under the draft zoning map then under consideration as part of the comprehensive rezoning of the County, staff had recommended increasing the depth of the commercial zoning in this area, including the subject parcel, with the intent of establishing a commercial node.

In the meantime, a preliminary plan for the York Meadows subdivision was submitted to the County on May 30, 1995. This plan included the subject parcel and a much larger adjacent parcel. The new zoning map had not yet been adopted, and the Board of Supervisors had established a policy that any subdivision plan submitted (whether approved or not) on or before May 31, 1995, could be subject to the existing Zoning Ordinance and Map if approved and if the developer so desired. Consequently, York Meadows was approved subject to the R-12 zoning provisions. Unfortunately, the draft zoning map was not updated to reflect the fact that the developer of this parcel had a vested right in the residential zoning. This parcel has since been subdivided into fourteen (14) residential lots in York Meadows, all of which are now zoned R13 along the frontage and GB (General Business) to the rear.

2. Located within a residential subdivision, the subject parcels clearly are not suitable for commercial development. Only one of the parcels even meets the 20,000-square foot minimum lot size for development in the GB district, and it does not have enough GB-zoned acreage to be developed as such. Furthermore, Section 24.1-252(a) of the Zoning Ordinance prohibits access to residential streets by nonresidential uses, thereby precluding the establishment of a business (other than a home occupation) on Mary Bierbauer Way; some other means of access would have to be found in the unlikely event that someone wished to establish a commercial use. In summary, though partially zoned for commercial development, the subject parcels are virtually undevelopable as such unless they were to be resubdivided and combined in some configuration either with each other or with neighboring commercial property. The developer of York Meadows has no interest in doing so and is fully supportive of this proposed rezoning action (see attached letter).

**PLANNING COMMISSION ACTION**

The Planning Commission considered this application at its July 12 meeting and conducted a public hearing at which one adjacent property owner spoke to request consideration of a shared or reduced transitional buffer requirement between his property and the subject parcels. Noting that this request

was outside the Commission's jurisdiction and would more appropriately be referred to the Zoning Administrator, the Commission voted unanimously (6:0, White absent) to recommend approval.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

I view this as a simple mapping issue. It was never the Board's intent in adopting the new Zoning Map in 1995 to permit commercial development within a residential subdivision, and, for many reasons, the parcels are not suitable for such development. Therefore, I recommend that the Board approve this application through the adoption of proposed Ordinance No. 00-14.

Baldwin/3495

Attachments

- Zoning Map
- Excerpts of unapproved Planning Commission minutes, July 12, 2000
- Letter to Timothy C. Cross from Terry M. Marshall dated July 12, 2000
- Proposed Ordinance No. 00-14